

FIRST REGULAR SESSION

HOUSE BILL NO. 1041

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DUGGER.

2323H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.065, 115.121, 115.123, 115.341, 115.349, 115.603, 115.607, 115.609, 115.611, 115.613, 115.617, 115.619, 115.621, and 115.761, RSMo, and to enact in lieu thereof fourteen new sections relating to elections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 115.065, 115.121, 115.123, 115.341, 115.349, 115.603, 115.607, 115.609, 115.611, 115.613, 115.617, 115.619, 115.621, and 115.761, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 115.065, 115.121, 115.123, 115.341, 115.349, 115.603, 115.607, 115.609, 115.611, 115.613, 115.617, 115.619, 115.621, and 115.761, to read as follows:

115.065. 1. Except as provided in sections 115.069, 115.071, 115.073 and 115.077, when any question or candidate is submitted to a vote by two or more political subdivisions or special districts, or except in [primary and] general elections by the state and one or more political subdivisions or special districts at the same election, all costs of the election shall be paid proportionally from the general revenues of the state and all political subdivisions and special districts submitting a question or candidate at the election, except that costs of publications of legal notice of elections shall not be paid proportionally. The state and each political subdivision and each special district shall pay for publication of its legal notice of election. At the discretion of the election authority, ballot printing costs, if any, may be paid proportionally or the state and each political subdivision and each special district may pay for such ballot printing costs, if any.

2. Except as provided in sections 115.069, 115.071 and 115.073, when any question or candidate is submitted to a vote by two or more political subdivisions or special districts at the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 same election, all costs of the election shall be paid proportionally from the general revenues of
15 all political subdivisions and special districts submitting a question or candidate at the election.

16 3. Proportional election costs paid under the provisions of subsection 2 of this section
17 shall be assessed by charging each political subdivision and special district the same percentage
18 of the total cost of the election as the number of registered voters of the political subdivision or
19 special district on the day of the election is to the total number of registered voters on the day of
20 the election, derived by adding together the number of registered voters in each political
21 subdivision and special district submitting a question or candidate at the election.

22 4. "Proportional costs" and "election costs", as used in this chapter, are defined as those
23 costs that require additional out-of-pocket expense by the election authority in conducting an
24 election. It may include reimbursement to county general revenue for the salaries of employees
25 of the election authority for the hours worked to conduct an election, any indirect expenses
26 identified under an independent cost allocation study and an amount not to exceed five percent
27 of the total cost of election to be credited to the election services fund of the county. The
28 election services fund shall be budgeted and expended at the direction of the election authority
29 and shall not be used to substitute for or subsidize any allocation of general revenue for the
30 operation of the election authority's office without the express consent of the election authority.
31 The election services fund may be audited by the appropriate auditing agency, and any
32 unexpended balance shall be left in the fund to accumulate from year to year with interest. The
33 election services fund shall be used by the election authority for training programs and purchase
34 of additional supplies or equipment to improve the conduct of elections, including anything
35 necessarily pertaining thereto. In addition to these costs, the state shall, subject to appropriation,
36 compensate the election services fund for transactions submitted pursuant to the provisions of
37 section 115.157.

115.121. 1. The general election day shall be the first Tuesday after the first Monday
2 in November of even-numbered years.

3 2. The primary election day shall be the first Tuesday after the [first] **third** Monday in
4 [August] **June** of even-numbered years.

5 3. The election day for the election of political subdivision and special district officers
6 shall be the first Tuesday after the first Monday in April each year, and shall be known as the
7 general municipal election day.

115.123. 1. All public elections shall be held on Tuesday. Except as provided in
2 subsections 2 and 3 of this section, and section 247.180, all public elections shall be held on the
3 general election day, the primary election day, the general municipal election day, the first
4 Tuesday after the first Monday in November, or on another day expressly provided by city or
5 county charter, and in nonprimary years on the first Tuesday after the [first] **third** Monday in

6 [August] **June**. Bond elections may be held on the first Tuesday after the first Monday in
7 February but no other issue shall be included on the ballot for such election.

8 2. Notwithstanding the provisions of subsection 1 of this section, an election for a
9 presidential primary held pursuant to sections 115.755 to 115.785 shall be held on the second
10 Tuesday after the first Monday in March of each presidential election year.

11 3. The following elections shall be exempt from the provisions of subsection 1 of this
12 section:

- 13 (1) Bond elections necessitated by fire, vandalism or natural disaster;
- 14 (2) Elections for which ownership of real property is required by law for voting;
- 15 (3) Special elections to fill vacancies and to decide tie votes or election contests; and
- 16 (4) Tax elections necessitated by a financial hardship due to a five percent or greater
17 decline in per-pupil state revenue to a school district from the previous year.

18 4. Nothing in this section prohibits a charter city or county from having its primary
19 election in March if the charter provided for a March primary before August 28, 1999.

20 5. Nothing in this section shall prohibit elections held pursuant to section 65.600, but no
21 other issues shall be on the March ballot except pursuant to this chapter.

115.341. For the nomination of candidates to be elected at the next general election, a
2 primary election shall be held on the first Tuesday after the [first] **third** Monday in [August]
3 **June** of even-numbered years.

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 or sections
2 115.755 to 115.785, no candidate's name shall be printed on any official primary ballot unless
3 the candidate has filed a written declaration of candidacy in the office of the appropriate election
4 official by 5:00 p.m. on the [last] **first** Tuesday in [March] **February** immediately preceding the
5 primary election.

6 2. No declaration of candidacy for nomination in a primary election shall be accepted
7 for filing prior to 8:00 a.m. on the [last] **second** Tuesday in [February] **January** immediately
8 preceding the primary election.

9 3. Each declaration of candidacy for nomination in a primary election shall state the
10 candidate's full name, residence address, office for which such candidate proposes to be a
11 candidate, the party ticket on which he or she wishes to be a candidate and that if nominated and
12 elected he or she will qualify. The declaration shall be in substantially the following form:

13 I,, a resident and registered voter of the county of and the state of
14 Missouri, residing at, do announce myself a candidate for the office of on the party
15 ticket, to be voted for at the primary election to be held on the day of, and I further
16 declare that if nominated and elected to such office I will qualify.

17	Subscribed and sworn to
18	Signature of candidate	before me this day
19		of,
20
21	Residence address	Signature of election
22		official or other officer
23		authorized to administer oaths
24	
25	Mailing address (if different)	
26	
27	Telephone Number (Optional)	

28

29 If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate

30 before an official authorized to accept his or her declaration of candidacy. If the declaration is

31 to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it shall

32 be subscribed and sworn to by the candidate before a notary public or other officer authorized

33 by law to administer oaths.

115.603. Each established political party shall have a state committee, a congressional

2 district committee for each congressional district in the state, a judicial district committee for

3 each circuit judge district in the state not subject to the provisions of article V, section 25 of the

4 state constitution, a senatorial district committee for each senatorial district in the state, a

5 legislative district committee for each legislative district in the state and a county committee for

6 each county in the state, **except any city not within a county which shall have a city**

7 **committee in lieu of a county committee.**

115.607. 1. No person shall be elected or shall serve as a member of a county committee

2 who is not, for one year next before the person's election, both a registered voter of and a resident

3 of the county **or city not within a county** and the committee district from which the person is

4 elected if such district shall have been so long established, and if not, then of the district or

5 districts from which the same shall have been taken. Except as provided in subsections 2, 3, 4,

6 5, and 6 of this section, the membership of a county **or city** committee of each established

7 political party shall consist of a man and a woman elected from each **precinct**, township, or ward

8 in the county **or city not within a county. Votes for write-in candidates shall not be counted**

9 **in the election of members to the county or city committees.**

10 2. In each county of the first classification containing the major portion of a city which

11 has over three hundred thousand inhabitants, two members of the committee, a man and a

12 woman, shall be elected from each ward in the city. Any township entirely contained in the city
13 shall have no additional representation on the county committee. The election authority for the
14 county shall, not later than six months after the decennial census has been reported to the
15 President of the United States, divide the most populous township outside the city into eight
16 subdistricts of contiguous and compact territory and as nearly equal in population as practicable.
17 The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar
18 as practicable, be retained upon reapportionment. Two members of the county committee, a man
19 and a woman, shall be elected from each such subdistrict. Six members of the committee, three
20 men and three women, shall be elected from the second and third most populous townships
21 outside the city. Four members of the committee, two men and two women, shall be elected
22 from the other townships outside the city.

23 3. In any city which has over three hundred thousand inhabitants, the major portion of
24 which is located in a county with a charter form of government, for the portion of the city located
25 within such county and notwithstanding section 82.110, it shall be the duty of the election
26 authority, not later than six months after the decennial census has been reported to the President
27 of the United States, to divide such cities into not less than twenty-four nor more than
28 twenty-five wards after each decennial census. Wards shall be so divided that the number of
29 inhabitants in any ward shall not exceed any other ward of the city and within the same county,
30 by more than five percent, measured by the number of the inhabitants determined at the
31 preceding decennial census.

32 4. In each county of the first classification containing a portion, but not the major
33 portion, of a city which has over three hundred thousand inhabitants, ten members of the
34 committee, five men and five women, shall be elected from the district of each state
35 representative wholly contained in the county in the following manner: within six months after
36 each legislative reapportionment, the election authority shall divide each legislative district
37 wholly contained in the county into five committee districts of contiguous territory as compact
38 and as nearly equal in population as may be; two members of the committee, a man and a
39 woman, shall be elected from each committee district. The election authority shall divide the
40 area of the county located within legislative districts not wholly contained in the county into
41 similar committee districts; two members of the committee, a man and a woman, shall be elected
42 from each committee district.

43 5. In each city not situated in a county, two members of the committee, a man and a
44 woman, shall be elected from each ward.

45 6. In all counties with a charter form of government and a population of over nine
46 hundred thousand inhabitants, the county committee persons shall be elected from each

47 township. Within ninety days after August 28, 2002, and within six months after each decennial
48 census has been reported to the President of the United States, the election authority shall divide
49 the county into twenty-eight compact and contiguous townships containing populations as nearly
50 equal in population to each other as is practical.

51 7. If any election authority has failed to adopt a reapportionment plan by the deadline set
52 forth in this section, the county commission, sitting as a reapportionment commission, shall
53 within sixty days after the deadline, adopt a reapportionment plan. Changes of township, ward,
54 or precinct lines shall not affect the terms of office of incumbent party committee members
55 elected from districts as constituted at the time of their election.

115.609. [In each city not situated in a county and in each county which has over nine
2 hundred thousand inhabitants, all members of the county committee shall be elected at the
3 primary election immediately preceding each gubernatorial election and shall hold office until
4 their successors are elected and qualified.] In each [other] county **and each city not situated**
5 **in a county**, all members of the county **or city** committee shall be elected at each primary
6 election and shall hold office until their successors are elected and qualified.

115.611. 1. Except as provided in subsection 4 of section 115.613, any registered voter
2 of the county **or a city not within a county** may have such voter's name printed on the primary
3 ballot of such voter's party as a candidate for county **or city** committeeman or committeewoman
4 by filing a declaration of candidacy in the office of the county **or city** election authority and by
5 paying any filing fee required by subsection 2 of this section.

6 2. Before filing such candidate's declaration of candidacy, candidates for county **or city**
7 committeeman or county **or city** committeewoman shall pay to the treasurer of such candidate's
8 party's county **or city** committee, or submit to the county **or city** election authority to be
9 forwarded to the treasurer of such candidate's party's committee, a certain sum of money, as
10 follows:

11 (1) One hundred dollars if such candidate is a candidate for county committeeman or
12 committeewoman in any county **or city** which has or hereafter has over nine hundred thousand
13 inhabitants or in any city not situated in a county;

14 (2) Twenty-five dollars if such candidate is a candidate for county committeeman or
15 committeewoman in any county of the first class containing the major portion of a city which has
16 over three hundred thousand inhabitants;

17 (3) Except as provided in subdivisions (1) and (2) of this subsection, no candidate for
18 county committeeman or committeewoman shall be required to pay a filing fee.

19 3. Any person who cannot pay the fee to file as a candidate for county **or city**
20 committeeman or committeewoman may have the fee waived by filing a declaration of inability

21 to pay and a petition with the official with whom such candidate files such candidate's
22 declaration of candidacy. The provisions of section 115.357 shall apply to all such declarations
23 and petitions.

24 4. No person's name shall be printed on any official primary ballot as a candidate for
25 county **or city** committeeman or committeewoman unless the person has filed a declaration of
26 candidacy with the proper election authority not later than 5:00 p.m. on the last Tuesday in
27 March immediately preceding the primary election.

115.613. 1. Except as provided in subsection 4 of this section, the qualified man and
2 woman receiving the highest number of votes from each committee district for committeeman
3 and committeewoman of a party shall be members of the county **or city** committee of the party.

4 2. If two or more qualified persons receive an equal number of votes for county **or city**
5 committeeman or committeewoman of a party and a higher number of votes than any other
6 qualified person from the party, a vacancy shall exist on the county **or city** committee which
7 shall be filled by a majority of the committee in the manner provided in section 115.617.

8 3. If no qualified person is elected county **or city** committeeman or committeewoman
9 from a committee district for a party, a vacancy shall exist on the county **or city** committee
10 which shall be filled by a majority of the committee in the manner provided in section 115.617.

11 4. The provisions of this subsection shall apply only in any county **or city** where no
12 filing fee is required for filing a declaration of candidacy for committeeman or committeewoman
13 in a committee district. If only one qualified candidate has filed a declaration of candidacy for
14 committeeman or committeewoman in a committee district for a party prior to the deadline
15 established [by law] **in this chapter**, no election shall be held for committeeman or
16 committeewoman in the committee district for that party and the election authority shall certify
17 the qualified candidate in the same manner and at the same time as candidates elected pursuant
18 to subsection 1 of this section are certified. If no qualified candidate files for committeeman or
19 committeewoman in a committee district for a party, no election shall be held and a vacancy shall
20 exist on the county **or city** committee which shall be filled by a majority of the committee in the
21 manner provided in section 115.617.

115.617. Whenever a member of any county **or city** committee dies, becomes disabled,
2 resigns, or ceases to be a registered voter of or a resident of the county **or a city not within a**
3 **county** or the committee district from which he is elected, a vacancy shall exist on the
4 committee. A majority of the committee shall elect another person to fill the vacancy who, for
5 one year next before his election, shall have been both a registered voter of and a resident of the
6 county **or city** and the committee district. The person selected to fill the vacancy shall serve the
7 remainder of the vacated term.

115.619. 1. [The membership of] A legislative district committee shall consist of [all
2 county committee members within] **the precinct, ward, or township committeeman and**
3 **committeewoman from such precincts, wards, or townships included in whole or in part**
4 **of the legislative district**], except as provided in subsections 4 and 5 of this section. In all
5 counties of this state which are wholly contained within a legislative district, or in which there
6 are two or more whole legislative districts, or one whole legislative district and part of another
7 legislative district, or parts of two or more legislative districts, there shall be elected from the
8 membership of each legislative district committee a chairman and a vice chairman, one of whom
9 shall be a woman and one of whom shall be a man, and each legislative district at the same time
10 shall elect a secretary and a treasurer, one of whom shall be a woman and one of whom shall be
11 a man, but who may or may not be members of the legislative district committee]. **A person**
12 **may only be elected chair or vice chair of a legislative district committee for a district in**
13 **which that person is legally permitted to vote on election day. In no event shall any person**
14 **serve as a chair or vice chair for more than one legislative district committee.** Party state
15 committees may provide for voting by proxy and for weighted or fractional voting.

16 2. [If a legislative district and a county are coextensive, the chairman, vice chairman,
17 secretary and treasurer of the county committee shall be the chairman, vice chairman, secretary
18 and treasurer of the legislative committee.

19 3. Except as provided in subsections 4 and 5 of this section, the congressional, senatorial
20 or judicial district committee shall consist of the chairman and vice chairman of each of the
21 legislative districts in the congressional, senatorial, or judicial districts and the chairman and vice
22 chairman of each of the county committees within the districts. Party state committees may
23 provide for voting by proxy and may provide for weighted or fractional voting.

24 4. The congressional, senatorial or judicial district committee of a district coextensive
25 with one county shall be the county committee.

26 5. The congressional, senatorial or judicial district committee of a district which is
27 composed in whole or in part of a part of a city or part of a county shall consist of the ward or
28 township committeemen and committeewomen from such wards or townships included in whole
29 or in part in such part of a city or part of a county forming the whole or a part of such district.
30 Party state committees may provide for voting by proxy and may provide for weighted or
31 fractional voting.] **The congressional, senatorial, or judicial committee of a district which**
32 **is composed of:**

33 (1) **One or more whole counties; or**

34 (2) **One or more whole counties and part of one or more counties;**

35

36 shall consist of the county committee chair and vice-chair of each county within the district
37 and the committeeman and committeewoman of each legislative district committee within
38 the district.

39 3. The congressional, senatorial, or judicial committee of a district which consists
40 of:

- 41 (1) Part of one county;
- 42 (2) Part of a city not within the county;
- 43 (3) A whole city not within a county; or
- 44 (4) Part of a city not within a county and parts of one or more counties;

45

46 shall consist of the precinct, ward, or township committeemen and committeewomen and
47 the chair and vice chair of each legislative district committee within the district.

115.621. 1. The members of each county committee shall meet at the county seat
2 on the first Saturday after each primary election. In each city not within a county, the city
3 committee shall meet on the same day at the city hall. In all counties of the first, second,
4 and third classification, the county courthouse shall be made available for such meetings
5 and any other county political party meeting at no charge to the party committees. In all
6 cities not within a county, the city hall shall be made available for such meetings and any
7 other city political party meeting at no charge to the party committees. At the meeting,
8 each committee shall organize by electing two of its members, a man and a woman, as chair
9 and vice chair, a man and a woman who may or may not be members of the committee as
10 secretary and treasurer.

11 2. The members of each congressional district committee shall meet at some place within
12 the district, to be designated by the current chair of the committee, on the [last Tuesday in
13 August] **fourth Saturday** after each primary election. The county courthouse in counties of the
14 first, second and third classification in which the meeting is to take place, as designated by the
15 chair, shall be made available for such meeting and any other congressional district political
16 party committee meeting at no charge to the committee. At the meeting, the committee shall
17 organize by electing one of its members as chair and one of its members as vice chair, one of
18 whom shall be a woman and one of whom shall be a man, and a secretary and a treasurer, one
19 of whom shall be a woman and one of whom shall be a man, who may or may not be members
20 of the committee.

21 [2.] 3. The members of each legislative district committee shall meet at some place
22 within the legislative district or within one of the counties in which the legislative district exists,
23 to be designated by the current chair of the committee, on the [third Wednesday] **second**

24 **Saturday** after each [August] primary election. The county courthouse in counties of the first,
25 second and third classification in which the meeting is to take place, as designated by the chair,
26 shall be made available for such meeting and any other legislative district political party
27 committee meeting at no charge to the committee. At the meeting, the committee shall organize
28 [pursuant to subsection 1 of section 115.619] **by electing two of its members, a man and a**
29 **woman, as chair and vice chair, and a man and a woman who may or may not be members**
30 **of the committee as secretary and treasurer.**

31 [3.] 4. The members of each senatorial district committee shall meet at some place
32 within the district, to be designated by the current chair of the committee, if there is one, and if
33 not, by the chair of the congressional district in which the senatorial district is principally
34 located, on the third Saturday after each [August] primary election. The county courthouse in
35 counties of the first, second and third classification in which the meeting is to take place, as so
36 designated pursuant to this subsection, shall be made available for such meeting and any other
37 senatorial district political party committee meeting at no charge to the committee. At the
38 meeting, the committee shall organize by electing one of its members as chair and one of its
39 members as vice chair, one of whom shall be a woman and one of whom shall be a man, and a
40 secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, who
41 may or may not be members of the committee.

42 5. The members of each senatorial district shall also meet at some place within the
43 district, to be designated by the current chair of the committee, if there is one, and if not, by the
44 chair of the congressional district in which the senatorial district is principally located, on the
45 Saturday after [the third Tuesday in November after] each general election. At the meeting, the
46 committee shall proceed to elect two registered voters of the district, one man and one woman,
47 as members of the party's state committee. **However, in counties not wholly contained within**
48 **one senatorial district, only committee members from a precinct, ward, or township**
49 **contained within the senatorial district are eligible to vote for the members of the party's**
50 **state committee.**

51 [4.] 6. The members of each judicial district may meet at some place within the judicial
52 district or within one of the counties in which the judicial district exists, to be designated by the
53 current chair of the committee or the chair of the congressional district committee, on the [first
54 Tuesday in September] **fifth Saturday** after each primary election, or at another time designated
55 by the chairmen of the committees. The county courthouse in counties of the first, second and
56 third classification in which the meeting is to take place, as so designated pursuant to this
57 subsection, shall be made available for such meeting and any other judicial district political party
58 committee meeting at no charge to the committee. At the meeting, the committee shall organize

59 [pursuant to subsection 1 of section 115.619] **by electing two of its members, a man and a**
60 **woman, as chair and vice chair, and a man and a woman who may or may not be members**
61 **of the committee as secretary and treasurer.**

115.761. 1. The official list of presidential candidates for each established political party
2 shall include the names of all constitutionally qualified candidates for whom, on or after 8:00
3 a.m. on the fifteenth Tuesday prior to the presidential primary, and on or before 5:00 p.m., on
4 the eleventh Tuesday prior to the presidential primary, a written request to be included on the
5 presidential primary ballot is filed with the secretary of state along with:

6 (1) Receipt of payment to the state committee of the established political party on whose
7 ballot the candidate wishes to appear of a filing fee of **no less than** one thousand dollars **and no**
8 **more than ten thousand dollars**; or

9 (2) A written statement, sworn to before an officer authorized by law to administer oaths,
10 that the candidate is unable to pay the filing fee and does not have funds in a campaign fund or
11 committee to pay the filing fee and a petition signed by not less than five thousand registered
12 Missouri voters, as determined by the secretary of state, that the candidate's name be placed on
13 the ballot of the specified established political party for the presidential preference primary. The
14 request to be included on the presidential primary ballot shall include each signer's printed name,
15 registered address and signature and shall be in substantially the following form:

16 I (We) the undersigned, do hereby request that the name of be placed
17 upon the February,, presidential primary ballot as candidate for nomination as the
18 nominee for President of the United States on the party ticket.

19 2. The state or national party organization of an established political party that adopts
20 rules imposing signature requirements to be met before a candidate can be listed as an official
21 candidate shall notify the secretary of state by October first of the year preceding the presidential
22 primary.

23 3. Any candidate or such candidate's authorized representative may have such candidate's
24 name stricken from the presidential primary ballot by filing with the secretary of state on or
25 before 5:00 p.m. on the eleventh Tuesday prior to the presidential primary election a written
26 statement, sworn to before an officer authorized by law to administer oaths, requesting that such
27 candidate's name not be printed on the official primary ballot. Thereafter, the secretary of state
28 shall not include the name of that candidate in the official list announced pursuant to section
29 115.758 or in the certified list of candidates transmitted pursuant to section 115.765.

30 4. The filing times set out in this section shall only apply to presidential preference
31 primaries, and are in lieu of those established in section 115.349.

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